

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

JOEL PAUL REESMAN,

Petitioner,

v.

MIKE OBENLAND,

Respondent.

CASE NO. C14-5271 RBL-KLS

ORDER DENYING PETITIONER'S
MOTION FOR COUNSEL

Before the Court is Mr. Reesman's motion for appointment of counsel. Dkt. 22. The undersigned stayed this petition in a separate order and is holding it in abeyance until petitioner has exhausted his state claims. Respondent did not oppose petitioner's motion to stay the action and stated "[t]he requested stay appears appropriate." Dkt. 25.

In light of the fact that the petition has been stayed, the Court **DENIES** the motion for appointment of counsel. Further, the Court notes that there is no right to have counsel appointed in cases brought under 28 U.S.C. §2254, unless an evidentiary hearing is required or such appointment is "necessary for the effective utilization of discovery procedures." *See, McCleskey v. Zant*, 499 U.S. 467, 495 (1991); *United States v. Duarte-Higareda*, 68 F.3d 369, 370 (9th Cir. 1995); *United States v. Angelone*, 894 F.2d 1129, 1130 (9th Cir. 1990); *Weygandt v. Look*, 718 F.2d 952, 954 (9th Cir. 1983); Rules Governing Section 2254 Cases in the United States District

1 Courts 6(a) and 8(c). The Court also may appoint counsel “at any stage of the case if the interest
2 of justice so require.” *Weygandt*, 718 F.2d at 754. In deciding whether to appoint counsel,
3 however, the Court “must evaluate the likelihood of success on the merits as well as the ability of
4 the petitioner to articulate his claims pro se in light of the complexity of the legal issues
5 involved.” *Id.* Because this matter has been stayed, the Court is not in a position to make the
6 necessary evaluation.

7 Accordingly, Petitioner’s motion for the appointment of counsel (Dkt. 22) is **DENIED**.

8 The Clerk shall send a copy of this Order to Petitioner and counsel for Respondent.

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10 DATED this 5th day of November, 2014.

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13 Karen L. Strombom
14 United States Magistrate Judge
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